

1 Matt Olavi (Bar No. 265945)
2 molavi@olavidunne.com
3 Brian J. Dunne (Bar No. 275689)
4 bdunne@olavidunne.com
5 **OLAVI DUNNE LLP**
6 800 Wilshire Blvd., Suite 320
7 Los Angeles, California 90017
8 Telephone: (213) 516-7900
9 Facsimile: (213) 516-7910

Attorneys for Defendant ECLIPSE IP LLC

10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12
13 THE ECLIPSE GROUP, LLP,

14 Plaintiff,

15 v.

16 ECLIPSE IP LLC,

17 Defendant.
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) Case No. 3:13-cv-1902-JAH-BGS
)

) **ECLIPSE IP LLC'S NOTICE OF**
) **MOTION AND MOTION FOR**
) **SANCTIONS**

) Date: August 18, 2014

) Time: 2:30 p.m.

) Courtroom: 13B

) Judge: Hon. John A. Houston
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TO ALL PARTIES HEREIN AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that on August 18, 2014 at 2:30 p.m. or as soon thereafter as counsel may be heard before the Honorable John A. Houston in Courtroom 13B of the United States District Court for the Southern District of California, located at 333 West Broadway, San Diego, California, Defendant Eclipse IP LLC ("Eclipse IP") will move and hereby does move as follows:

MOTION

Eclipse IP hereby moves this Court, pursuant to Rule 11 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1927, and the Court's inherent power for an Order sanctioning Plaintiff The Eclipse Group, LLP ("The Eclipse Group").

This Motion is made on the grounds that The Eclipse Group recklessly and in bad faith filed a frivolous motion for a preliminary injunction ("the PI Motion") and caused Defendant Eclipse IP to expend substantial sums defending against what amounts to nothing more than a litany of frivolous claims. This Motion will be based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the supporting declaration of Matt Olavi, the exhibits submitted therewith, the records and files herein, and such other further documentary, demonstrative, and oral evidence as may be requested or permitted by the Court.

Pursuant to the safe harbor provision of Rule 11 of the Federal Rules of Civil Procedure, this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, and the supporting declaration of Matt Olavi and its exhibits were previously served on counsel for The Eclipse Group on Friday, May 23, 2014 both via electronic mail and by mailing it to The Eclipse Group's last known address. The Eclipse Group refused to withdraw its PI Motion. The accompanying Memorandum of Points and Authorities has been slightly modified in light of the

1 Court's June 3, 2014 Order, (D.E. 19), but the substance and analysis remains the
2 same.¹

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4 Dated: June 30, 2014

Respectfully submitted,
OLAVI DUNNE LLP

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7 By: /s/ Matt Olavi

8 Matt Olavi
9 Attorneys for Defendant
ECLIPSE IP LLC
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27 ¹ An exact copy of Memorandum of Points and Authorities served on The Eclipse Group on May
28 23, 2014 is attached as Exhibit 4 to the Olavi Declaration.

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